

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| UNITED STATES OF AMERICA, |) | CASE NO. 1:16-CR-329 |
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| PLAINTIFF, |) | JUDGE SARA LIOI |
| |) | |
| vs. |) | |
| |) | GUIDELINE DETERMINATIONS |
| |) | |
| EDWARD HILLS, et al., |) | |
| |) | |
| |) | |
| DEFENDANTS. |) | |

The Court conducted a joint sentencing hearing on February 11, 2019 and February 12, 2019, during which the Court permitted the parties to call witnesses, submit evidence, and offer oral argument relative to contested common sentencing issues. At the conclusion of the hearing, the Court took the matter under advisement and scheduled each defendant for an individual sentencing hearing to take place at a later date. The Court is now prepared to announce its guideline determinations relative to the common sentencing issues. The Court may further elaborate on its determinations, as they relate to each defendant, at the individual sentencing hearings.

The Court's guideline determinations on the contested sentencing issues as to defendants Edward Hills ("Hills"), Sari Alqsous ("Alqsous"), Yazan Al-Madani ("Al-Madani"), and Tariq Sayegh ("Sayegh") are as follows:

1. With respect to whether U.S.S.G. § 2C1.1 (Bribes) or U.S.S.G. § 2C1.2 (Gratuities) applies, the Court finds that U.S.S.G. § 2C1.1 (Bribes) applies.

2. Defendants are “public officials” under U.S.S.G. § 2C1.1(a)(1).
3. Defendant Hills is a public official in a high-level decision-making position under U.S.S.G. § 2C1.1(b)(3).
4. For determining the § 2C1.1(b)(2) amount under the Resident Bribery Scheme, the Court shall use the expected benefit; namely, the salary of the residents.
5. For determining the § 2C1.1(b)(2) amount under the Hobbs Act Conspiracy, the Court shall use the expected benefit; namely, (1) the incentive payments defendant Hills approved for defendants Alqsous and Al-Madani, and Hussein El-Rawy, (2) 20 % of the salaries of defendants Alqsous and Al-Madani, and El-Rawy, and (3) the salary of Lufti Nassar. The Court will not include the lost productivity due to the flex-time scheme.
6. For determining the § 2C1.1(b)(2) amount for the Dental Patient Kickbacks Scheme, the Court shall use the amount of the kickbacks paid to defendant Hills.
7. For determining the § 2C1.1(b)(2) amount for the Oral Health Enrichment Scheme, as to Hills, the Court will use the entire payments to Oral Health Enrichment without deduction for the payments for the didactic portions of the remediation services. As to Alqsous and Al-Madani, the Court will consider further argument on this issue at their sentencing hearings.
8. For determining the § 2C1.1(b)(2) amount for the Noble Dental Care Dentist Labor Scheme, the Court shall use the benefit paid by Dr. Wang for use of MetroHealth dentists to staff Noble Dental Care.
9. For determining the § 2C1.1(b)(2) amount for the Anthony Jordan Treatment Scheme, the Court will use the actual amount of the treatment.

10. For determining the § 2C1.1(b)(2) amount for the tax counts, the Court shall use the amount of taxes due and owing from tax years 2011, 2012, and 2013.
11. For purposes of the RICO Conspiracy, and based upon the total harm amount calculated by the Court, U.S.S.G. § 2E1.1(a)(2) applies.
12. Defendant Hills was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive under U.S.S.G. § 3B1.1(a), and the four-level enhancement applies as to him.
13. Defendants Alqsous and Sayegh qualify for a two-level role enhancement under U.S.S.G. § 3B1.1(c).
14. Defendant Alqsous does not qualify for a two-level reduction for a mitigating role under U.S.S.G. § 3B1.2(b).
15. Defendant Al-Madani does not qualify for either a two-level or a four-level reduction for a mitigating role under U.S.S.G. §§ 3B1.2(a) & (b).
16. The Court will not apply a vulnerable victim enhancement under U.S.S.G. § 3A1.1(b).
17. The Court will apply a two-level enhancement for defendants Hills and Al-Madani under U.S.S.G. § 3C1.1 for obstruction of justice. The Court will hear further oral argument on whether the two-level enhancement under U.S.S.G. § 3C1.1 applies to defendant Alqsous.

IT IS SO ORDERED.

Dated: April 9, 2019



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE